

REMARKS

Applicant respectfully requests reconsideration. Claims 1-64 were previously pending in this application. By this amendment, Applicant is amending claims 12, 19, 20, 29, 36, and 37. As a result, claims 1-64 are pending for examination with claims 1, 12, 21, 29, 38, 41, 47, 50, and 56 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §103

Claims 1-13 and 17-20

Claims 1-13 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Diehl et al., U.S. Patent No. 6,317,544, hereinafter "Diehl". Applicants respectfully traverse the rejection.

A. Missing Limitation – Diehl does not Teach or Suggest Receiving Instructions About an Action a User Should Perform

It is contended in the Office Action that Diehl discloses each limitation of independent claim 1 except for a hand-held apparatus and a casing for a hand-held apparatus. The Examiner states that it would have been obvious to one of skill in the art to have the computer system of Diehl be a hand-held system in a casing. The Examiner also states that claims 12-13 and 19-20 (including independent claim 12) are rejected for the same reasons set forth in the rejection of claims 1-10. Without acceding to the propriety of the proposed modification, even if the apparatus of Diehl were to be modified as suggested by the Examiner, the resulting apparatus would not include each and every limitation recited in each of claims 1 and 12 because Diehl does not teach receiving instructions about an action the user should perform. See MPEP §2143.03, "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." (Emphasis added).

B. Prior Rejection and Response that Prior Art Does Teach or Suggest Receiving or Sending Instructions

As previously pointed out on page 9 of the September 8, 2003 Response and Preliminary Amendment, claim 1 recites, *inter alia*, "a receiver coupled to the computer and adapted to

receive instructions from the second location, the instructions comprising an action the user of the apparatus should perform regarding the individual, the action comprising one of allowing and denying the individual access to the designated area.” The prior art of record as of September 8, 2003 did not teach or suggest such a limitation. The rejection was subsequently withdrawn in favor of the present rejection, which relies on Diehl. However, Diehl does nothing to remedy this deficiency because Diehl also does not teach or suggest receiving instructions about an action a user should perform.

Diehl teaches a remote file server which provides backend functionality and leaves the decision-making process up to the workstation user. In fact, Diehl is quite specific that their system relies on the user of a portable workstation to decide for himself or herself whether information from the remote file server matches an individual in question. See for example, Column 8, line 65 through Column 9, line 2:

The data processing center reports to the workstation the number of hits, if any. The workstation may then call up the biometric data and/or the biodata for each hit in order to review it and make a determination of whether the “hit” is the individual in question.

The system of Diehl generally includes a plurality of mobile workstations and a file server remotely located from the workstations. The workstations receive input biometric data, such as fingerprint and photographic data, and send that biometric data to the remote file server. The file server compares the input biometric data with stored biometric data to determine whether any of the stored biometric data matches the input biometric data. The results of the comparison are provided back to the workstation. Diehl does not teach or suggest that the file server transmits instructions to the mobile workstations, nor does Diehl teach or suggest that the workstation is adapted to receive instructions from the file server. As stated in Column 9, lines 8-30 of Diehl, a central server provides backend functionality for the system, including receiving images, image storage and retrieval management, transaction management, fingerprint matching and databases. Disclosed database functions include retrieval of biodata such as fingerprints, biographical history and photographs. The database may also contain information as to whether an individual is dangerous, a repeat immigration offender, or eligible for asylum and benefits.

No instructions about what action the user should perform are provided the central server in Diehl. Thus, Diehl does not teach or suggest an apparatus comprising, *inter alia*, a receiver coupled to a computer and adapted to receive instructions from a second location, the instructions comprising an action a user of the apparatus should perform regarding an individual, the action comprising one of allowing and denying the individual access to a designated area, as recited in claim 1. Nor does Diehl teach or suggest each and every limitation of independent claim 12. Claim 12 recites, *inter alia*, an act of electronically transmitting remarks and a digital image to a second location remote from a first location so that the remarks and the digital image may be reviewed at the second location and instructions based on the remarks and the digital image may be prepared at the second location. Claim 12 also recites an act of receiving the instructions, prepared based on the remarks and the digital image, from the second location, the instructions comprising an action a user of the apparatus should perform regarding an individual. If the rejection of claims 1 and 12 is maintained, it is respectfully requested that the Examiner specifically explain how Diehl is being applied to the limitations directed to instructions.

Claim 12 was first presented with a limitation that recited an imager housed separately from a camera control unit in an apparatus used as part of the claimed method. Claim 12 has been reworded to broaden the claim such that a camera is recited instead of a separate imager and camera control unit.

In view of the above, it is respectfully requested that the rejection of independent claims 1 and 12 be withdrawn. Each of claims 2-11, 13 and 17-20 depends directly or indirectly from either claim 1 or claim 12, and it is respectfully requested that the rejection of these claims be withdrawn for at least the same reasons presented above for claims 1 and 12.

Claims 14-16

Claims 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Diehl in view of Piosenka et al., (U.S. Pat. No. 4,993,068). Because each of claims 14-16 depends either directly or indirectly from claim 12, it is respectfully requested that the rejection of these claims be withdrawn for at least the same reasons presented above for claim 12.

Claims 21-64

According to the Office Action, claims 21-64 stand rejected for the same reasons set forth for the rejection of claims 1-20. Applicants respectfully traverse this rejection.

Independent claim 21 recites a computer-readable medium having computer-readable signals stored thereon that define instructions that, when executed by at least one processor, instruct at least one computer to perform a method, the method comprising, *inter alia*, an act of receiving instructions from a second location with a receiver, the instructions comprising one of allowing and denying an individual access to a designated area, and an act of informing a user of the at least one computer of the instructions via an output device. As discussed above, Diehl teaches transmitting a number of “hits” to a mobile workstation, but does not teach or suggest a computer that receives instructions from a second location as part of a method performed by the computer. Accordingly, it is respectfully requested that the rejection of independent claim 21 be withdrawn.

Each of claims 22-28 depends either directly or indirectly from independent claim 21 and is believed to be patentable for at least the same reasons presented above for independent claim 21.

Independent claim 29 recites a computer-readable medium having computer-readable signals stored thereon that define instructions that, as a result of being executed by at least one processor, instruct the at least one processor to perform a method, the method comprises, *inter alia*, an act of receiving instructions based on remarks and a digital image from a second location, the instructions comprising one of allowing and denying an individual access to a designated area, and an act of informing a user of the at least one processor of the instruction via at least one output device. As discussed above, it is respectfully submitted that Diehl fails to teach or suggest such elements.

When first presented, claim 29 included limitations directed to a computer-readable medium having computer-readable signals stored thereon that define instructions that, as a result of being executed by at least one processor, instruct the at least one processor to perform a method, the at least one processor communicating with a camera control unit housed within a casing and an imager being housed separately from the casing. Claim 29 has been reworded to

broaden the claim such that it recites a camera instead of a camera control unit, an imager, and a casing.

In view of the reasoning presented above for claim 29, it is respectfully requested that the rejection of independent claim 29 be withdrawn.

Each of claims 30-37 depends either directly or indirectly from independent claim 29 and is believed to be patentable for at least the same reasons presented above for independent claim 29.

Independent claim 38 recites a method of receiving at a second location, from an apparatus, identifying information and remarks regarding an individual who, together with the apparatus, is at a first location, and transmitting instructions to the apparatus, the method comprising, *inter alia*, an act of preparing instructions at the second location based on the identifying information and the remarks, the instructions comprising one of allowing and denying the individual access to a designated area, and an act of transmitting the instructions to the apparatus. Diehl fails to teach the preparation of instructions at a second location, the instructions comprising one of allowing and denying the individual access to a designated area. Diehl also fails to teach transmitting instructions to the apparatus. Accordingly, it is respectfully requested that the rejection of independent claim 38 be withdrawn.

Each of claims 39-40 depends either directly or indirectly from independent claim 38 and is believed to be patentable for at least the same reasons presented above for independent claim 38.

Independent claim 41 recites a method of receiving, from an apparatus, identifying information and remarks regarding an individual who, together with the apparatus, is at a first location, and transmitting instructions to the apparatus, the method comprising, *inter alia*, an act of preparing instructions based on the at least one transmission, the instructions comprising an action a user of the apparatus should perform regarding the individual, and an act of transmitting the instructions to the apparatus. Diehl does not teach or suggest preparing instructions based on at least one transmission, the instructions comprising an action a user of the apparatus should perform regarding the individual. Further, Diehl does not disclose transmitting the instructions to the apparatus. Accordingly, it is respectfully requested that the rejection of independent claim 41 be withdrawn.

Each of claims 42-46 depends either directly or indirectly from independent claim 41 and is believed to be patentable for at least the same reasons presented above for independent claim 41.

Independent claim 47 recites a computer-readable medium having computer-readable signals stored thereon that define instructions that, as a result of being executed by at least one processor, instruct the at least one processor to perform a method of receiving at a second location, from an apparatus, identifying information and remarks regarding an individual who is at a first location, and transmitting instructions to the apparatus, the method comprising, *inter alia*, an act of preparing instructions at a second location based on at least one transmission, the instructions comprising one of allowing and denying the individual access to a designated area, and an act of transmitting the instructions to the apparatus. Diehl does not teach or suggest a method including these elements. Accordingly, it is respectfully requested that the rejection of independent claim 47 be withdrawn.

Each of claims 48-49 depends either directly or indirectly from independent claim 47 and is believed to be patentable for at least the same reasons presented above for independent claim 47.

Independent claim 50 recites a computer-readable medium having computer-readable signals stored thereon that define instructions that, as a result of being executed by at least one processor, instruct the at least one processor to perform a method of receiving identifying information and remarks, from an apparatus, regarding an individual who is at a first location and transmitting instructions to the apparatus, the method comprising, *inter alia*, an act of preparing instructions based on at least one transmission, the instructions comprising an action a user of the apparatus should perform regarding the individual, and an act of transmitting the instructions to the apparatus. Diehl does not teach or suggest a method comprising these acts. Accordingly, it is respectfully requested that the rejection of independent claim 50 be withdrawn.

Each of claims 51-55 depends either directly or indirectly from independent claim 50 and is believed to be patentable for at least the same reasons presented above for independent claim 50.

Independent claim 56 recites a method of obtaining identifying information of an individual, the individual being present at a first location, the method comprising, *inter alia*, an

act of receiving instructions from a second location with a receiver, the instructions comprising one of allowing and denying the individual access to a designated area. Diehl does not teach or suggest receiving such instructions from a second location. Accordingly, it is respectfully requested that the rejection of independent claim 56 be withdrawn.

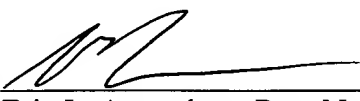
Each of claims 57-64 depends either directly or indirectly from independent claim 56 and is believed to be patentable for at least the same reasons presented above for independent claim 56.

CONCLUSION

In view of the foregoing remarks, this application should now be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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